

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application Of:
Sean Brynjelsen et al.

For: PREPARATION OF SUBMICRON
SOLID PARTICLE SUSPENSIONS BY
SONICATION OF MULTIPHASE
SYSTEMS

Serial No.: 09/964,273

Filed: September 26, 2001

Examiner: Simon J. Oh

Art Unit: 1615

Conf. No. 9945

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited
with the United States Postal Office with sufficient
postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450 on May 7,
2004.


Renee Street

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.97, a list of documents is disclosed on the attached form PTO-1449 that may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration. No inference should be drawn that the attached list represents a comprehensive investigation of the prior art; that any or all are pertinent to the invention; or that any apparatus disclosed is equivalent to the subject invention.

Applicant does not believe any fee is due in connection with this Supplemental Information Disclosure Statement, however, the Commissioner is hereby authorized to change any fees to Deposit Account No. 02-1818.

The identified patents and documents do not suggest or make obvious the claimed invention. Hence, allowance of the pending application is respectfully requested.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Date: May 7, 2004

BY 

Robert M. Barrett, Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

0330

1615

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))		Docket No. IFT-5776	
In Re Application Of: Seah, Brynjelsen et al.			
Serial No 09/964,273	Filing Date September 26, 2001	Examiner Simon J. Oh	Group Art Unit 1615
Title: PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF MULTIPHASE SYSTEMS			
<p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>37 CFR 1.97(b)</p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p>37 CFR 1.97(c)</p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p>OR</p> <p><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>			

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

IFT-5776

In Re Application of Sean Brynjelsen et al.

Serial No.

09/964,273

Filing Date

September 26, 2001

Examiner

Simon J. Oh

Group Art Unit

1615

**PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF
MULTIPHASE SYSTEMS****Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on May 7, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Renee Street

Typed or Printed Name of Person Mailing Certificate

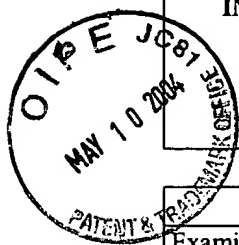
*This certificate may only be used if paying by deposit account.

Signature

Dated: May 7, 2004

Robert M. Barrett, Reg. No. 30,142
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, IL 60690-1135
Tel: (312) 807-4204

CC:

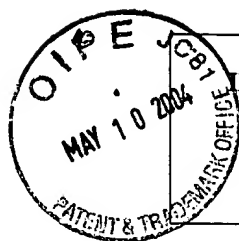


INFORMATION DISCLOSURE CITATION IN AN APPLICATION (use several sheets if necessary) PTO Form 1449	Atty Docket No. IFT-5776	Application No. 09/964,273
	Applicant Brynjelsen et al.	
	Filing Date Sept. 26, 2001	Group 1615

U.S. PATENT DOCUMENTS						
Examiner's Initials	Document Number	Publication Date	Inventor	Class	Subclass	Filing Date If Appropriate
	4606670	8/19/86	Frank et al.			
	5049322	9/17/91	Devissaguet et al.			
	5122543	6/16/92	Khanna			
	5151264	9/29/92	Samain et al.			
	5174930	12/29/92	Stainmesse et al.			
	5269979	12/14/93	Fountain			
	5314506	5/24/94	Midler Jr. et al.			
	5318767	6/7/94	Liversidge			
	5354563	10/11/94	Toyotama			
	5417956	5/23/95	Moser			

FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Document Number	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	EP 0169 618 B2	10 Nov 1993	EP			X	
	EP 0207 134 B1	17 Aug 1994	EP			X	
	EP 0275 796 B2	6 Sept 1995	EP				X
	EP 0349 428 B1	20 Jan 1993	EP			X	
	EP 0372 070 B1	15 Jan 1997	EP			X	
	EP 0377 477 B1	24 Mar 1993	EP			X	
	EP 0379 379 B1	18 Jan 1990	EP			X	
	EP 0644 755 A1	19 Mar 1997	EP			X	
	EP 0720 471 B1	18 Apr 2001	EP			X	
	EP 0730 406 B1	8 July 1998	EP			X	
	EP 0752 245 B1	22 May 2002	EP			X	
	EP 0788 350 B1	27 Feb 2002	EP			X	
	EP 0812 187 A1	2 May 2003	EP			X	
	EP 0820 300 B1	2 Apr. 1996	EP			X	
	EP 0828 479 B1	24 Oct 2001	EP			X	
	EP 0831 770 B1	16 Aug 2000	EP			X	
	EP 0832 569 A2	1 Apr 1998	EP			X	
	EP 0832 569 B1	26 Nov 2003					
	EP 0988 863 A3	9 Aug 2000	EP			X	
	EP 1012 204 B1	29 Jan 2003	EP			X	
	EP 1105 109 B1	23 Apr 2003	EP			X	
	EP 1156 788 A1	15 Jan 2003	EP			X	

Examiner:	Date Considered:
*Examiner: Initial if citation considered whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**
(use several sheets if necessary)

PTO Form 1449

Atty Docket No. IFT-5776	Application No. 09/964,273
Applicant Brynjelsen et al.	
Filing Date Sept. 26, 2001	Group 1615

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document Number	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	EP 1210 942 A2	5 June 2002	EP			X	
	WO 85/00011 A1	3 Jan 1985	PCT			X	
	WO 86/03676 A1	3 July 1986	PCT			X	
	WO 89/11850 A1	14 Dec 1989	PCT			X	
	WO 90/03782 A2	19 Apr 1990	PCT			X	
	WO 91/06292 A1	16 May 1991	PCT			X	
	WO 91/12794 A1	5 Sept 1991	PCT			X	
	WO 91/16068 A1	31 Oct 1991	PCT			X	
	WO 92/00731 A1	23 Jan 1992	PCT			X	
	WO 92/03380 A1	5 Mar 1992	PCT			X	
	WO 94/20072 A1	15 Sept 1994	PCT			X	
	WO 95/05164 A1	23 Feb 1995	PCT			X	
	WO 96/14833 A1	23 May 1996	PCT			X	
	WO 96/20698 A2	11 July 1996	PCT			X	
	WO 97/03657 A1	19 July 1996	PCT			X	
	WO 97/41837 A2	13 Nov 1997	PCT			X	
	WO 97/44014 A1	27 Nov 1997	PCT			X	
	WO 98/14180 A1	9 Apr 1998	PCT			X	
	WO 98/35666 A1	20 Aug 1998	PCT			X	
	WO 98/57967 A1	23 Dec 1998	PCT			X	
	WO 99/16443 A1	8 Apr 1999	PCT			X	
	WO 99/30833 A1	24 June 1999	PCT			X	
	WO 99/32156 A2	1 July 1999	PCT			X	
	WO 99/33467 A1	8 July 1999	PCT			X	
	WO 00/37050 A1	29 June 2000	PCT			X	
	WO 00/71079 A2	30 Nov 2000	PCT			X	
	WO 01/12155 A1	22 Feb 2001	PCT			X	
	WO 01/62374 A2	30 Aug 2001	PCT			X	
	WO 01/64164 A2	7 Sept 2001	PCT			X	
	WO 01/85345 A1	15 Nov 2001	PCT			X	
	WO 02/17883 A2	7 Mar 2002	PCT			X	
	WO 02/24169 A1	28 Mar 2002	PCT			X	
	WO 02/24163 A1	28 Mar 2002	PCT			X	
	WO 02/43702 A2	6 June 2002	PCT			X	
	WO 02/51386 A2	7 July 2002	PCT			X	

Examiner:	Date Considered:
<p>*Examiner: Initial if citation considered whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	



INFORMATION DISCLOSURE CITATION IN AN APPLICATION (use several sheets if necessary) PTO Form 1449	Atty Docket No. IFT-5776	Application No. 09/964,273
	Applicant Brynjelsen et al.	
	Filing Date Sept. 26, 2001	Group 1615

FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Document Number	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	WO 02/55059 A2	18 July 2002	PCT			X	
	WO 02/60411 A2	8 Aug 2002	PCT			X	
	WO 02/72070 A1	19 Sept 2002	PCT			X	
	WO 02/72071 A1	19 Sept 2002	PCT			X	
	WO 02/74282 A1	26 Sept 2002	PCT			X	
	WO 02/80883 A2	17 Oct 2002	PCT			X	
	WO 02/89773 A2	14 Nov 2002	PCT			X	
	WO 03/26611 A2	3 Apr 2003	PCT			X	
	WO 03/26611 A3						
	WO 03/35031 A1	1 May 2003	PCT			X	

Examiner's Initials	OTHER DOCUMENTS <i>(Including Author Title Date Pertinent Pages Etc.)</i>
	B. Sjostrom et al., "The Formation of Submicron Organic Particles by Precipitation in an Emulsion", J.Dispersion Science and Technology, 15(1), 89-117 (1994).
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Synthetic Products -- Functionalized Phospholipids: Lipids for Conjugation of Proteins/Peptides/Drugs to Liposomes" (7 pgs), March 2003.
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Polymer and Polymerizable Lipids: Functionalized PEG Lipids" (3 pgs), March 2003.
	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Polymer and Polymerizable Lipids: Poly(ethylene glycol)-Lipid Conjugates" (8 pgs) , March 2003.

Examiner:	Date Considered:
*Examiner: Initial if citation considered whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



0330

Electronic Filing System (EFS) Data
Electronic Patent Application Submission
USPTO Use Only


EFS ID: 60676
Application ID: 09964273
Title of Invention: PREPARATION OF SUBMICRON
SOLID PARTICLE SUSPENSIONS BY
SONICATION OF MULTIPHASE
SYSTEMS
First Named Inventor: Sean Brynjelsen
Domestic/Foreign Application: Domestic Application
Filing Date: 2001-09-26
Effective Receipt Date: 2004-05-10
Submission Type: Information Disclosure
Statement
Filing Type:
Confirmation number: 9945
Attorney Docket Number: IFT-5776

Total Fees Authorized:

Digital Certificate Holder: cn=Robert M. Barrett,ou=Registered Attorneys,ou=Patent and Trademark
Office,ou=Department of Commerce,o=U.S. Government,c=US
Certificate Message Digest: 463f6892627939e70881a21c9091b446cc8f68cd

**TRANSMITTAL**

Electronic Version v1.1
Stylesheet Version v1.1.0

Title of Invention	PREPARATION OF SUBMICRON SOLID PARTICLE SUSPENSIONS BY SONICATION OF MULTIPHASE SYSTEMS									
<p>Application Number: 09/964273 </p> <p>Date: 2001-09-26</p> <p>First Named Applicant: Sean Brynjelsen</p> <p>Confirmation Number: 9945</p> <p>Attorney Docket Number: IFT-5776</p>										
<p>I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.</p> <p>I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.</p>										
<table border="1"><thead><tr><th>Submitted by:</th><th>Elec. Sign.</th><th>Sign. Capacity</th></tr></thead><tbody><tr><td>Robert Barrett Registered Number: 30,142</td><td>/RMB/</td><td>Attorney</td></tr></tbody></table>			Submitted by:	Elec. Sign.	Sign. Capacity	Robert Barrett Registered Number: 30,142	/RMB/	Attorney		
Submitted by:	Elec. Sign.	Sign. Capacity								
Robert Barrett Registered Number: 30,142	/RMB/	Attorney								
<table><tr><td>Documents being submitted</td><td>Files</td></tr><tr><td>us-ids</td><td>00024ids-usidst.xml</td></tr><tr><td></td><td>us-ids.dtd</td></tr><tr><td></td><td>us-ids.xsl</td></tr></table>			Documents being submitted	Files	us-ids	00024ids-usidst.xml		us-ids.dtd		us-ids.xsl
Documents being submitted	Files									
us-ids	00024ids-usidst.xml									
	us-ids.dtd									
	us-ids.xsl									
<p>Comments</p> <p>To the extent that any fees are due and voing the commissioner is hreby authorized to</p>										

charge Bell, Boyd and Lloyd's deposit account number 02-1818



ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of
Invention

PREPARATION OF SUBMICRON SOLID PARTICLE
SUSPENSIONS BY SONICATION OF MULTIPHASE
SYSTEMS

Application Number: 09/964273



Confirmation Number: 9945

First Named Applicant: Sean Brynjelsen

Attorney Docket Number: IFT-5776

Search string: (4606940 or 5049322 or 5122543 or 5151264
or 5174930 or 5269979 or 5314506 or 5318767
or 5354563 or 5417956 or 5466646 or 5474989
or 5518187 or 5591456 or 5626864 or 5635609
or 5641745 or 5707634 or 5862999 or 5916583
or 5939100 or 5989583 or 6039981 or 6045826
or 6139870 or 6207134 or 6221322 or 6221398
or 6231890 or 6306406 or 6344271 or 6365191
or 6375986 or 6395300 or 6428814 or 6462093
or 6607784 or RE35338 or 20010007678 or
20010025058 or 20010042932 or 20020012675
or 20020012704 or 20020041896 or
20020054912 or 20020110599 or 20020127278
or 20020168402 or 20030003155 or
20030031719 or 20030044433 or 20030059472
or 20030072807 or 20030077329 or
20030096013 or 20030100568 or
20030206959).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	4606940	1986-08-19	Frank et al.			
	2	5049322	1991-09-17	Devissaguet et al.			
	3	5122543	1992-06-16	Khanna			
	4	5151264	1992-09-29	Samain et al.			
	5	5174930	1992-12-29	Stainmesse et al.			
	6	5269979	1993-12-14	Fountain			

	7	5314506	1994-05-24	Midler, Jr. et al.
	8	5318767	1994-06-07	Liversidge
	9	5354563	1994-10-11	Toyotama
	10	5417956	1995-05-23	Moser
	11	5466646	1995-11-14	Moser
	12	5474989	1995-12-12	Hashimoto et al.
	13	5518187	1996-05-21	Bruno et al.
	14	5591456	1997-01-07	Franson et al.
	15	5626864	1997-05-06	Rosenberg et al.
	16	5635609	1997-06-03	Levy et al.
	17	5641745	1997-06-24	Ramtoola
	18	5707634	1998-01-13	Schmitt
	19	5862999	1999-01-26	Czekai et al.
	20	5916583	1999-06-29	Broberg et al.
	21	5939100	1999-08-17	Albrechtsen et al.
	22	5989583	1999-11-23	Amselem
	23	6039981	2000-03-21	Woo et al.
	24	6045826	2000-04-04	Borowy-Borowski et al.
	25	6139870	2000-10-31	Verrecchia
	26	6207134	2001-03-27	Fahlvik et al.
	27	6221322	2001-04-24	Thumm et al.
	28	6221398	2001-04-24	Jakupovic et al.
	29	6231890	2001-05-15	Naito et al.
	30	6306406	2001-10-23	Deluca
	31	6344271	2002-02-05	Yadav et al.
	32	6365191	2002-04-02	Burman et al.
	33	6375986	2002-04-23	Ryde et al.
	34	6395300	2002-05-28	Straub et al.
	35	6428814	2002-08-06	Bosch et al.
	36	6462093	2002-10-08	Miyamoto et al.
	37	6607784	2003-08-19	Kipp et al.
	38	RE35338	1996-09-24	Haynes

US Published Applications

Note: Applicant is not required to submit a paper copy of cited US Published Applications

init	Cite.No.	Pub. No.	Date	Applicant	Kind	Class	Subclass
	1	20010007678	2001-07-12	Baert et al.			
	2	20010025058	2001-09-27	Borowy-Borowski et al.			
	3	20010042932	2001-11-22	Mathiowitz et al.			
	4	20020012675	2002-01-31	Jain et al.			
	5	20020012704	2002-01-31	Pace et al.			
	6	20020041896	2002-04-11	Straub et al.			
	7	20020054912	2002-05-09	Kim et al.			
	8	20020110599	2002-08-15	Auweter et al.			
	9	20020127278	2002-09-12	Kipp et al.			
	10	20020168402	2002-11-14	Kipp et al.			
	11	20030003155	2003-01-02	Kipp et al.			
	12	20030031719	2003-02-13	Kipp et al.			
	13	20030044433	2003-03-06	Werling et al.			
	14	20030059472	2003-03-27	Brynjelsen et al.			
	15	20030072807	2003-04-17	Wong et al.			
	16	20030077329	2003-04-24	Kipp et al.			
	17	20030096013	2003-05-22	Werling et al.			
	18	20030100568	2003-05-29	Werling et al.			
	19	20030206959	2003-11-06	Kipp et al.	A9		

Signature

Examiner Name	Date